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REMARKS

In the non-final Office Action, the Examiner: (1) objected to claims 11, 12, and 30 because of informalities; (2) rejected claims 1, 2, 4, 6-8, 13-18, 21, 22, 24, 26, 27, 36-38, and 40 under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 4,815,152 to MacDonald et al (hereinafter referred to as "MacDonald"); (3) indicated that claims 11-12, 19-20, 30, and 41-42 would be allowable if rewritten to include all of the limitations of the respective base claims and any intervening claims; (4) rejected claims 9, 10, 28, 29, and 39 under 35 U.S.C. §103 (a) as being unpatentable over MacDonald, (4) and allowed claims 31-35.

In this Response, Applicant has amended claims 11 and 30 to overcome the objections presented in the Office Action. Claims 1 and 4 have been amended to improve readability. Claim 12 has been cancelled. No new matter has been introduced. Upon entry of the claim amendments into the record, claims 1, 2, 4, 6-11, 13-22, 24, and 26-42 will be pending in the application. Claims 1, 13, 21, and 31 are in independent form. For the reasons set forth below, Applicant respectfully traverses the foregoing rejections. Further, Applicant believes that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers.

Allowable Subject Matter

On page 5 of the Office Action, the Examiner indicated that claims 31-35 are allowed. The recent Office Action also contains a statement of reasons for the allowance or allowability of claims 31-35. Applicant agrees with the Examiner's conclusions regarding patentability, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the application is allowable because the prior art fails to teach, anticipate, or render obvious the invention as claimed, independent of how the invention is paraphrased.

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Examiner further indicated that claims 11-12, 19-20, 30, and 41-42 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that the base claims are patentable over the cited prior art, as will be discussed in more detail below.

Objection to the Claims

Applicant has amended the claims in a manner thought to address the Examiner's intent in the suggested changes. As a result, Applicant respectfully requests that the objections to claims 11, 12, and 30 be reconsidered and withdrawn.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1,2, 4, 6-8, 13-18, 21, 22, 24, 26, 27, 36-38, and 40 under 35 U.S.C. §102 (b) as being anticipated by MacDonald. Independent claim 1 recites:

A universal shift apparatus for a swimming pool cover motor having a rotatable drive shaft and a rope attached to the end of the swimming pool cover, comprising:

- (a) a reel unit mounted to *freely rotate about the rotatable drive shaft*;
- (b) a drive cone unit mounted to *freely rotate about the rotatable drive shaft*;
- (c) a gear mechanism driven by the rotatable drive shaft, and adapted for driving the reel unit in a first rotational direction as the drive shaft rotates in a first direction, and adapted for driving the drive cone unit in a second rotational direction as the drive shaft rotates in a second direction; and
- (d) a shift member associated with the gear mechanism to selectively reverse the first rotational direction of the reel unit and to selectively reverse the second rotational direction of the drive cone unit, shift member is adapted to pivot in one direction to engage the reel unit when the rotatable drive shaft is rotated in the first direction, and wherein the shift member is adapted to pivot in a second direction to engage the drive cone unit when the rotatable drive shaft is rotated in the second direction. (Emphasis added)

MacDonald fails to teach or disclose both a reel unit and a drive cone unit that each rotate freely about a single shaft. To the contrary, MacDonald clearly teaches a single reel rotating about a single shaft. In particular, "The cover driving mechanism, as shown in FIGS. 1-3 and 8, includes a motor 10 and includes a free end 14. A coupling is secured to the drive shaft,

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for rotation therewith. A reel 18 is positioned on coupling 16 proximate the free end 14 of drive shaft 12 for rotation thereon." MacDonald col. 3, lines 17-22. MacDonald further discloses two shafts on two separate reels that are selectively coupled by a floppy clutch: "The device still further includes a floppy clutch mechanism which is rotatable for coupling and uncoupling the cover driving mechanism and the cover driven mechanism." MacDonald col. 4, lines 60-63. The cover driving and cover driven mechanisms disclosed and taught in MacDonald clearly do not rotate on the same shaft. See MacDonald Figs. 11-14. Thus, MacDonald fails to teach or disclose both a reel unit and a drive cone unit that each rotate freely about a single shaft.

It is well settled that, "A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Accordingly, because MacDonald fails to teach, suggest or disclose each and every element of independent claim 1, the rejection of claim 1 and all claims that depend therefrom under 35 U.S.C. § 102 based on MacDonald should be reconsidered and withdrawn.

Claims 13 and 21 each recite both a reel unit and a drive cone unit that each rotate freely about a single shaft. Accordingly, at least the arguments recited above are applicable to claims 13 and 21, such that the rejection of claim 13 and 21 and all claims that depend therefrom under 35 U.S.C. § 102 based on MacDonald should be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

Claims 9-10, 28-29, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MacDonald. The arguments discussed above with reference to claims 1, 13, and 21 are equally applicable to claims 9-10, 28-29, and 39. Accordingly, because MacDonald fails to teach, suggest, or disclose each and every element of the claims, the

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rejection of claims 9-10, 28-29, and 39 under 35 U.S.C. §103(a) over MacDonald should be reconsidered and withdrawn.

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Conclusion

For the foregoing reasons, the present application is thought to be in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper, which fees have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: 16 February 2006


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